

ASSEMBLY BILL

No. 709

Introduced by Assembly Member Nestande

February 21, 2013

An act to add Section 2932.7 to the Fish and Game Code, relating to natural resources, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 709, as introduced, Nestande. Salton Sea Authority: restoration plan.

(1) Existing law declares the intent of the Legislature that the State of California undertake the restoration of the Salton Sea ecosystem and the permanent protection of fish and wildlife dependent on that ecosystem based on a restoration plan that provides for the maximum feasible attainment of fish and wildlife restoration objectives and, to the extent consistent with these objectives, the protection of recreational opportunities and the creation of opportunities for improved local economic conditions.

Existing law authorizes the Salton Sea Authority (authority), a joint powers authority formed by the County of Imperial, the County of Riverside, the Coachella Valley Water District, and the Imperial Irrigation District, to form an infrastructure financing district for the purpose of funding the construction of, and purchasing electrical power for, projects for the reclamation and environmental restoration of the Salton Sea.

This bill would require the Salton Sea Authority, by April 1, 2014, to develop a restoration plan that is financially feasible to accomplish specified goals that include, among other things, the restoration of

long-term stable aquatic and shoreline habitat and the mitigation of air quality impacts from restoration projects..

(2) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), an initiative statute approved by the voters at the November 7, 2006, statewide general election, makes approximately \$5,388,000,000 in bond funds available for safe drinking water, water quality and supply, flood control, natural resource protection, and park improvements, of which \$47,000,000 is available for deposit into the Salton Sea Restoration Fund, which is administered by the Director of the Department of Fish and Wildlife, and requires that the moneys in the fund be expended, upon appropriation by the Legislature, for, among other things, the implementation of conservation measures necessary to protect the fish and wildlife species dependent on the Salton Sea.

This bill would require the Salton Sea authority to submit, on or before April 1, 2014, the restoration plan to the Legislative Analyst (LAO) for review. The bill would require the LAO to complete its review by June 1, 2014, and if the LAO determines that the plan is financially feasible and that the authority is capable of implementing the plan, the bill would continuously appropriate from the Salton Sea Restoration Fund any moneys received under Proposition 84 to the authority to implement the plan.

The bill would additionally require the Wildlife Conservation Board to review the restoration plan to determine whether it is eligible for federal matching funds and to seek those funds. The bill would require that these funds be deposited in the Salton Sea Restoration Fund and would continuously appropriate the moneys to the authority to implement the restoration plan.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 2932.7 is added to the Fish and Game
- 2 Code, to read:
- 3 2932.7. (a) The Salton Sea Authority shall develop, by April
- 4 1, 2014, a restoration plan for the Salton Sea ecosystem that is
- 5 financially feasible to accomplish all of the following goals:
- 6 (1) Restore long-term stable aquatic and shoreline habitat.
- 7 (2) Mitigate air quality impacts from restoration projects.

1 (3) Protect the water quality.

2 (b) (1) The authority shall submit the restoration plan, on or
3 before April 1, 2014, to the Legislative Analyst for review. The
4 Legislative Analyst shall complete its review by June 1, 2014.

5 (2) Upon the written determination of the Legislative Analyst,
6 submitted to the authority, that the plan is financially feasible and
7 that the authority is capable of implementing the plan, any moneys
8 made available under paragraph (3) of subdivision (b) of Section
9 75050 of the Public Resources Code and deposited in the Salton
10 Sea Restoration Fund are hereby continuously appropriated and
11 made available to the authority, without regard to fiscal years, for
12 expenditure for the purpose of implementing the plan.

13 (c) (1) If the Legislative Analyst has made a determination
14 pursuant to subdivision (b) that the restoration plan is financially
15 feasible and that the authority is capable of implementing the plan,
16 the authority shall submit the plan to the Wildlife Conservation
17 Board, which shall review the plan and make a written
18 determination as to whether the plan is an eligible project under
19 the Salton Sea Reclamation Act of 1998 (Public Law 105-372) for
20 which federal matching funds are available for the acquisition,
21 restoration, or protection of habitat or habitat corridors that promote
22 the recovery of threatened, endangered, or fully protected species,
23 to accomplish the goals set forth in subdivision (a).

24 (2) Upon the written determination of the board, submitted to
25 the authority, that the restoration plan is an eligible project pursuant
26 to paragraph (1), the board shall seek federal matching funds,
27 which shall be deposited in the Salton Sea Restoration Fund and
28 which are hereby continuously appropriated and made available
29 to the authority, without regard to fiscal years, for expenditure for
30 the purpose of implementing the restoration plan.